Supreme Court, U.S.
FILED

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No.

In The

Supreme Court of the United States

October Term, 1998

MARJORIE STURGIS,

Pro Se Petitioner,

v.

EMPLOYERS INSURANCE OF WAUSAU, UNIVERSITY OF SOUTHERN CALIFORNIA, ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, JUDICIAL CONFERENCE OF THE UNITED STATES, JOHN G. DAVIES, CECIL POOLE, JOSEPH SNEED, MELVIN BRUNETTI, JEFFREY GRUBE, ROBERT MOULTON, JEFFERSON LOGAN, AND MARK SOLOMON,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

Marjorie Sturgis
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Pro Se Petitioner

69 pp

QUESTIONS PRESENTED

The United States Constitution and the Civil Rights Statutes give petitioner a cause of action to redress the alleged conspiratorial deprivations as such actions arise under the Constitution and laws of the United States. Whether a cause of action for money damages is implied directly from the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution under the rationale of *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403, U.S. 388, (1971), or only the Civil Rights Statues.

Where the material facts in the complaint have not been denied, the Courts, as a matter of law, must take the facts and allegations in the complaint as admitted on motions for summary judgment, and motions for judgment by default by the court, and motions for judgment on the pleadings. Since there are no issues as to any of the material facts concerning the issues raised by the complaint, the evidence and the pleadings and the Constitution compel some kind of remedy for petitioner whose constitutional and statutory rights have been violated, whether this Court is precluded from summarily vacating the judgments of the Ninth Circuit Court of Appeals, and on remand, enter an order directing the Court to dispose of the action in light of petitioner being entitled to judgments in her favor as a matter of law, consistent with the relief prayed for in the complaint.

It is manifest upon the reading of the judgments (Appendix B and C respectively) that district court judge Kim McLane Wardlaw failed to enter the judgments pursuant to rules permitting appeals or to stipulate the constitutional or legal standard upon which she acted. This Court needs to make determination as to whether Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott, and Ferdinand Fernandez did in fact have jurisdiction pursuant to rules permitting appeal.

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In this properly implied Federal cause civil rights action, Pro Se petitioner, Marjorie Sturgis, respectfully petitions this Court for a Writ of Certiorari to review judgments of the United States Court of Appeals for the Ninth Circuit affirming judgments dismissing the complaint and the entire civil rights action with prejudice without notice or hearing and orders declaring petitioner a vexatious litigant without notice or hearing.

OPINIONS BELOW

Judgment adopting report and recommendation of United States magistrate judge and judgment orders declaring petitioner a vexatious litigant without notice or hearing and judgment dismissing the complaint without notice or hearing and without leave to amend and dismissal of the entire civil rights action with prejudice and without notice or hearing appears in the Appendix as Appendix B and Appendix C respectfully.

JURISDICTION

The unpublishable Memorandum of Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott, and Ferdinand Fernandez affirming the judgments were filed in the United States Court of Appeals for the Ninth Circuit on May 22, 1998, and appears reproduced in the Appendix as Appendix D, respectfully. The jurisdiction of the United States Supreme Court to review decisions of judges of the United States Court of Appeals for the Ninth Circuit is conferred by 28 U.S.C. § 1254 (1).

The momentous departure from the accepted and usual course of judicial proceedings by district court judge Kim McLane Wardlaw, United States magistrate judge R.J. Groh, and United States magistrate judge Andrew J. Wistrich, and Ninth Circuit Court of Appeals' judges Mary Schroeder, Stephen Trott and Ferdinand Fernandez's sanctioning of such departure, is so severe as to call for this Court's supervisory power.

CONSTITUTIONAL PROVISIONS

Amendment I. In pertinent part states:

> Congress shall make no law...abridging the freedom of speech, or of the press; or the right to the people to peaceably assemble, and to petition the government for a redress of grievances.

Amendment IV. In pertinent part states:

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.

Amendment V. In pertinent part states:

> ...nor shall any person... be compelled... to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

Amendment XIV. Section 1. provides:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Equal Protection Clause of the Federal Constitution's Fourteenth Amendment demands strict scrutiny of all racial classifications because without such scrutiny a Court cannot determine whether the discrimination truly is benign. Civil Rights § 1 - Scrutiny.

RULES CITED

Rule 7(a) of the Federal Rules of Civil Procedure provides in pertinent part that:

> There shall be a complaint and an answer...

Rule 56 of the Federal Rules of Civil Procedure provides in pertinent part that:

> ..a party seeking to recover upon a claim... may, at any time after the expiration of 20 days from the commencement of the action... move... for summary judgment in the party's favor upon all or any part thereof.

STATUTES INVOLVED

18 U.S.C. § 1512 states in pertinent part that:

> Whoever corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to... influence, delay, or prevent the testimony of any person in an official proceeding... or dissuades any person from attending or testifying in an official proceeding... shall be fined...or imprisoned... or both.

18 U.S.C. § 1513 states in pertinent part that:

> Whoever knowingly engages in any conduct ...with intent to retaliate against any person...for providing any information to the commission...of a Federal offense...shall be fined...or imprisoned...or both.

28 U.S.C. § 1331 states in pertinent part that:

> The District Courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. § 1343, as amended in 1979, provides:

> (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
>
> (1) To recover damages for injury in his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42:
>
> (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;
>
> (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom, or usage, or any right, privilege, or immunity secured by the Constitution of the United States, or by any Act of Congress, providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
>
> (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

28 U.S.C. § 1654 provides:

> In all courts of the United States, the parties may plead and conduct their own cases personally or by counsel as by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

42 U.S.C. § 1981 provides:

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

42. U.S.C. § 1983 states in pertinent part that:

> Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory or the District of Colombia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

42. U.S.C. § 1985 states in pertinent part that:

> If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended... or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny any citizen the equal protection of the laws, or to injure

him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws...the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against one or more of the conspirators.

42. U.S.C. § 1985 (3) states in pertinent part that:

If two or more persons in any State or Territory conspire... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one of the conspirators.

42. U.S.C. § 1986 states in pertinent part that:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 U.S.C. §1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be

> committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case...

The momentous departure from the accepted and usual course of judicial proceedings by district court judge Kim McLane Wardlaw, United States magistrate judge R.J. Groh, and United States magistrate judge Andrew J. Wistrich, and Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott and Ferdinand Fernandez's sanctioning of such departure, is so severe as to call for this Court's supervisory power.

STATEMENT OF THE CASE

A. Introduction

It is manifest upon a reading of the complaint (Appendix A), this is a case of indisputable race and sex discrimination by members of the federal judiciary and opposing attorneys, violative of the Constitution and laws of the United States. Petitioner Marjorie Sturgis, alleges that while she was attempting to vindicate her constitutional guarantees in Federal court, the proceedings were permeated with discriminatory intimidation, harassment, humiliation, hostility, and abusive dilatory conduct by the federal presiding judge and the opposing attorneys, and were so severe, she was forced to dismiss the lawsuit.

Because petitioner's claims in the instant case raise traditional Federal issues and are not a State concern controlled by State law, exercising her constitutionally protected right to freedom of self representation as provided for by Congress under 28 U.S.C. §1654, she therefore filed this properly implied federal cause civil rights action in the United States District Court for the Central

District at Los Angeles, California, on February 21, 1996, alleging that the conduct engaged in by the opposing attorneys and members of the federal judiciary constituted racial and sexual discrimination, racial and sexual harassment, and a conspiracy to obstruct justice and violated her rights under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution as well as the violation of her rights under 42 U.S.C. §§ 1981, 1983, 1985, and 1986. In the complaint, petitioner requested monetary damages and other forms of relief.

Set forth in the complaint are allegations of misconduct which rise to the level of criminal offenses in violation of both the substantive and conspiracy provisions of the Criminal Code. As this Court knows, where the misconduct rises to the level of criminal offenses, the matters are referred to the Unites States Attorney's Office for investigation and criminal prosecution. However, as of this date, October 15, 1998, these criminal offenses have not been referred to the United States Attorney's Office.

United States Supreme Court cases show criminal liability for depriving, or conspiring to deprive, a person of his civil rights: (20 L Ed 1454 and 95 L Ed 780).

Without being required to plead as to any of the material facts and allegations in the complaint, respondents Employers Insurance of Wausau, University of Southern California, Jeffrey Grube, Robert Moulton, Jefferson Logan and Mark Solomon, instead moved to dismiss the action under Federal Rules of Civil Procedure 12 (b) (1), 12(b) (5), and 12(b) (6). Respondents John G. Davies, Cecil Poole, Joseph Sneed and Melvin Brunetti, without being required to plead as to any of the material facts and allegations in the complaint, instead, moved to dismiss the civil rights action based upon defenses of absolute judicial immunity and FRCP 12 (b) (5).

Without notice of hearing, on May 15, 1997, district judge

Kim Wardlaw entered judgment dismissing the complaint without leave to amend and the entire civil rights action with prejudice. On May 9, 1997, without notice or hearing, district court judge Kim McLane Wardlaw entered judgment declaring petitioner a vexatious litigant. (Appendix B and C respectfully.)

On May 22, 1998, Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott, and Ferdinand Fernandez, without notice or hearing, caused to be filed in the records of the United States Court of Appeals for the Ninth Circuit an unpublishable Memorandum (Appendix D) affirming the judgments.

B. The Events That Led To The Judgments Against Petitioner

Beginning in or about March 1996 and continuing until May 1997, with intent to evade, avoid, impede, prevent, and obstruct the due administration of the laws under which the civil rights proceeding was being had in the District Court, in violation of, but not limited to certain provisions of an act entitled *The Federal Conspiracy to Obstruct Justice Act*, and in violation of, but not limited to the equal protection component of the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution, and in violation of, but not limited to, certain provisions of 18 U.S.C. §§ 401, 1510, 1512, and 1513, allegedly, it was agreed by and between district court judge Kim McLane Wardlaw, United States magistrate judge R.J. Groh, United States magistrate judge Andrew J. Wistrich, and opposing attorneys Joseph A. Latham Jr. of the law firm Paul, Hastings, Janofsky & Walker representing respondent/defendant University of Southern California and respondent/defendant/lawyer Jeffrey Grube; James Harris of the law firm Sidley & Austin representing respondent/defendant/lawyer Jefferson Logan; Craig Laidig of the law firm Daniels, Baratta & Fine representing respondent/defendant Employers Insurance of Wausau; Robert Moulton, a respondent/defendant and lawyer who may be

representing himself; Caroline Chan and Steven Moyer of the law firm Haight, Brown & Bonesteel representing respondent/defendant/lawyer Mark Solomon; United States attorney Nora Manella and assistant United States attorneys Robert Lester and Leon Weidman representing the Federal defendants, and with other known judges in the District Court and the United States Court of Appeals for the Ninth Circuit that the defendants would not be required to deny or admit any of the facts and allegations in the complaint arising from the conspiracy civil rights claims.

As of this date, October 15, 1998, not one respondent has denied or admitted any of the material facts and allegations in the complaint.

United States District Court judge Kim McLane Wardlaw, in violation of the Constitution and laws of the United States, and in violation of, but not limited to certain provisions of an act entitled: The Federal Conspiracy to Obstruct Justice Act, and in violation of, but not limited to the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution, and in violation of, but not limited to certain provisions of 18 U.S.C. §§ 401, 1510, 1512, and 1513, beginning in March 1996 and continuing until May 15, 1997, the date on which she dismissed the complaint without notice or hearing and without leave to amend and the entire civil rights action with prejudice and without notice or hearing, on belief, motivated by racial animus, allegedly:

(a) To prevent joinder of the issues arising from the conspiracy civil rights claims against the defendants and to prevent petitioner from testifying and presenting evidence in her civil rights proceeding in which she was acting as her own attorney, at no time was petitioner allowed to attend inside of the District Court at Los Angeles, California, and caused and permitted petitioner to suffer the badges and indignities of slavery.

(b) On Mondays, the days designated by the District Court for the hearing of motions, at no time was petitioner allowed to attend inside of the District Court for the hearing of any of her numerous motions dealing with matters pertinent to the merits, instead. without considering any of petitioner's compelling documentary evidence, all of her motions were summarily denied without hearing or reasons, including, but not limited to, her motions for summary judgment, default judgment, judgment on the pleadings, and her motions for the hearing and determination of the false and sham defenses raised by defendants motions to dismiss.

(c) Aided, abetted, and assisted United States magistrate judge R.J. Groh, United States magistrate judge Andrew J. Wistrich and respondent district court judge John G. Davies in preparing a magistrate's report consisting of the concealment of material facts and issues, fraudulent, deceptive findings of facts and issues and conclusions of law, false and misleading information pertaining to a different case, and operated as fraud and deceit upon the District Court, other Federal tribunals, the public, and to defraud petitioner of the due process of justice in her civil rights proceeding that was pending in the District Court and caused and permitted petitioner to suffer the badges and indignities of slavery.

(d) Aided, abetted, authorized, condoned and assisted magistrate judge R.J. Groh and magistrate judge Andrew J. Wistrich in sustaining and enforcing motions to dismiss based upon false and sham defenses.

(e) Without permitting any form of discovery afforded by the Federal Rules of Civil Procedures, and without allowing petitioner to attend inside of the District Court to participate in any form of judicial proceedings afforded by the Federal Rules of Civil Procedures or the District Court's Local Rules, and without making findings on any of the determinative material facts and issues raised by the complaint, the evidence and petitioner's numerous pleadings dealing with matters pertinent to the merits.

based upon the magistrate's report consisting of the concealment of material facts and issues, fraudulent, deceptive findings of facts and issues and conclusions of law, and false and misleading information, pertaining to a different case, without notice or hearing, on May 15, 1997, entered judgment dismissing the complaint without leave to amend, and the entire civil rights action with prejudice, and caused and permitted petitioner to suffer the badges and indignities of slavery.

(f) Based upon corrupt and deceptive motions having no basis in fact or in law, and filed in the District Court by opposing attorneys Caroline Chan and Steven Moyer on March 12, 1996; on March 13, 1996, by Robert Moulton, a defendant and lawyer, who at that time was representing himself and defendant Employers Insurance of Wausau; on March 14, 1996 by Joseph A. Latham Jr., and on March 18, 1996, by opposing attorney James Harris, without notice or hearing, on May 9, 1997, entered judgment declaring petitioner a vexatious litigant and caused and permitted petitioner to suffer the badges and indignities of slavery.

Since petitioner's Statements of Objections to the magistrate's report consisting of the concealment of material facts and issues, fraudulent, deceptive findings of facts and issues and conclusions of law, and false and misleading information pertaining to a different case were totally ignored by the judges, on May 23, 1997, petitioner caused to be served and filed in the District Court, a Motion to Set Aside the Judgments. Acting upon the concerted requests of opposing attorneys Joseph A. Latham Jr., James Harris, Craig Laidig, Robert Moulton, Caroline Chan, Steven Moyer, United States attorney Nora Manella, and assistant United States attorneys Robert Lester and Leon Weidman, without notice or hearing, on October 17, 1997, district court judge Kim McLane Wardlaw denied the Motion to Set Aside the Judgments.

Petitioner submit, beginning in March 1996 and continuing until May, 1997, without permitting any form of discovery

afforded by the Federal Rules of Civil Procedure, and without allowing petitioner to attend inside of the District Court to participate in any of the judicial proceedings afforded by the Federal Rules of Civil Procedure or the district Court's Local Rules, employing deceptive judicial devices in the form of court documents, undermining the integrity of the federal judicial process, the Federal Rules of Civil Procedure, and exploiting petitioner's pro se status, engaged in extensive, impermissible discovery for the benefit of the opposing attorneys, and all of them.

Petitioner further submit on information and belief, district court Kim McLane Wardlaw, United States magistrate judge R. J. Groh and United States magistrate judge Andrew J. Wistrich, acting upon the concerted requests of opposing attorneys Joseph A. Latham, Jr., James Harris, Craig Laidig, Robert Moulton, Caroline Chan, Steven Moyer, United States attorney Nora Manella and United States assistant attorneys Robert Lester and Leon Whitman, in violation of the District Court's responsibilities under Article III of the United States Constitution, and in violation of duty in an office of trust, deliberately failed to apprise petitioner of options available and favorable to her for purposes of protecting her legal interests.

On appeal, Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott, and Ferdinand Fernandez, in violation of duty in an office of trust, and in violation of the Constitution and laws of the United States, and in violation of, but not limited to, certain provisions of an act entitled: *The Federal Conspiracy to Obstruct Justice Act,* and in violation of, but not limited to, the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution, and in violation of, but not limited to, certain provisions of 18 U.S.C. §§ 401, 1510, 1512, 1513, with intent, by a magistrate's report consisting of the concealment of material facts and issues, fraudulent, deceptive findings of facts and issues and conclusions of law, and false and misleading information pertaining to a different case, and the

corrupt, deceptive briefs and appendices filed in the United States Court of Appeals for the Ninth Circuit on January 13, 1998, by United States attorney Nora Manella, and assistant United States attorneys Robert Lester and Leon Weidman, and on January 21, 1998, by opposing attorneys Joseph A. Latham Jr., James Harris, Craig Laidig, Robert Moulton, Caroline Chan and Steven Moyer, unlawfully, to punish and retaliate against petitioner for having filed the lawsuit against their colleagues/judges and lawyers, on May 22, 1998, caused to be filed in the records of the United States Court of Appeals for the Ninth Circuit, an unpublishable, judicial Memorandum (Appendix D) affirming judgments obtained for fraud and deceit upon the Courts.

REASONS FOR GRANTING THE WRIT

I.

A CAUSE FOR MONEY DAMAGES IS PROPERLY IMPLIED UNDER THE CONSTITUTION AND THE CIVIL RIGHTS STATUTES.

A. Motions To Dismiss Are Not Responsive Pleadings.

As a result of the alleged prior agreement, the defendants were not required to deny or admit any of the facts and allegations in the complaint. The defendants were only required to serve and file motions to dismiss. However, motions to dismiss are not responsive pleadings within the meaning of governing Rule 7 of the Federal Rules of Civil Procedure. *Nord v. McIlroy*, 296 F. 2d 12 (9th Cir. 1961); *Neef v. Emery Transportation Co.*, 284 F. 2d 432 (2d Cir. 1960); *Hanraty v. Ostertag*, 470 F.2d 1096 (10th Cir. 1972). In the complaint, petititoner has provided factual basis for claims requiring affirmative defenses. A judge cannot dismiss claims on the basis of affirmative defenses which have not been pleaded in defendants' responsive pleadings. *Marcus v. Sullivan*,

926 F.2d 604 (7th Cir. 1991).

The complaint describes with more than the required particularity specific events implicating specific defendants and includes factual details supporting the existence of collusive relationships between the opposing attorneys and the judges.

Respondents, having admitted to the issues of material facts in the complaint, as a matter of law, petitioner was entitled to judgments against the respondents in her favor. Since there existed "no genuine issues or material facts upon which the outcome of the litigation depended," *United States v. Fisher-Otis Co.* (1974, CA 10 Okla) 496, F 2d, petitioner caused to be served and filed motions for summary judgments, motions for judgments by default by the court and motions for judgments on the pleadings.

Even though petitioner was entitled to judgments in her favor, at no time was she allowed to attend inside of the District Court for the hearing of the motions before district court judge Kim McLane Wardlaw dismissed the complaint without notice or hearing and the entire civil rights action with prejudice and without notice or hearing.

The Due Process Clause of the Fifth Amendment guarantees that "[n]o person shall be...deprived of life, liberty, or property without due process of law." It was the United States Supreme Court's teachings in "Fuentes v Shevin" that "due process requires that individuals must receive notice and an opportunity to be heard"... before being "deprived of life, liberty, or property." *Fuentes v. Shevin*, 407 U.S. 67 92, S. Ct. 1983, 1995, 32 L Ed. 2d 556.

B. It Must Be Taken As True That There Was Some Kind Of Racial And Sexual Animus Behind Defendants' Conspiratorial Deprivation Of Plaintiff's Civil Rights.

The controlling facts of this case are simple. Respondents Jeffrey Grube, Robert Moulton, Jefferson Logan, Mark Solomon, John G. Davies, Cecil Poole, Joseph Sneed, and Melvin Brunetti, motivated by a shared animosity of petitioner because she is a member of the African-American race, because she is a woman, and because she is not a lawyer conspired and deprived her of rights, privileges, and immunities secured to her by the Constitution and laws of the United States.

Taking the complaints' allegations as true, the United States Constitution and the Civil Rights Statutes justify implication of a cause of action for money damages on the facts of this case. The implication is even stronger since these respondents have not denied any of the material facts and allegations in the complaint.

C. Conspiring To Deprive A Litigant Of The Due Process Of The Laws, Equal Protection Of The Laws, Equal Privileges and Immunities Under The Laws On The Basis Of Race And Sex Violates The Equal Protection Component Of The Fifth And Fourteenth Amendments' Due Process Clause And 42 U.S.C. §§ 1981, 1983, 1985, 1986.

In the complaint, petitioner has clearly alleged intentional discrimination based on the classifications of race and sex.

The Constitution itself and 42 U.S.C. §§ 1981, 1983, 1985, and 1986 give petitioner a federal cause of action in damages to redress the alleged conspiratorial deprivations as such action arises under the Constitution and laws of the United States.

As this Court knows, race and sex are classifications granted equal protection scrutiny under the Fifth and Fourteenth Amendments. *Claifano v. Golfarb*, 430 U.S. 199 (1997); *Craig v. Boren*, 429 U.S. 190 (1976), reh. denied, 429 U.S. 1124 (1977); *Weinberger v. Wiesenfield*, 420 U.S. 636 (1975); *Schlesinger v.*

Ballard, 419 U.S. 498, reh. denied, 420 U.S. 966 (1975); *Stanton v. Stanton*, 421 U.S. 9 (1975); *Frontiero v. Richardson*; 411 U.S. 677 (1973); *Reed v. Reed*, 404 U.S. 7 (1971).

Even without applying the United States Supreme Court's heightened equal protection scrutiny guidelines afforded race-gender based classifications, petitioner has standing to maintain this civil rights action.

Where the cause of action is grounded on claims of racial discrimination, for purposes of addressing the conspiratorial discrimination, 42 USCS Sections 1985, 1986, are applicable against federal officers. *Revis v. Laird* (1975, ED Cal) 391 F Supp 1133, 26 BNA FEP Cas 1367, et seq.; *Willams v. Wright* (1976, Dc Or) 432 F Supp 732; *Martinez v. Winner* (1985, CA10 Colo) 771 Fed 424, et seq.; *Rankin v. Howard* (1980, CA9 Ariz) 633 F2d 844, cert denied 451 U.S. 939, et seq.

A statutory discrimination will not be set aside as a violation of the Due Process Clause of the Fifth and Fourteenth Amendments and it's equal protection component if any state of facts reasonably may be conceived to justify it. *Bowen v. Gillard*, 483 U.S. 587, 107 S. Ct. 3008, 87 Ed 485; *Sullivan v. Strool*, 496, U.S. 478 110 S. CT. 2499, 110 L. Ed. 2d 338.

Although 42 USCS § 1985 creates substantive rights, actions under Section 1985 "are derived from the Thirteenth Amendment and cover all deprivations of equal protection and of equal privileges under laws, regardless of source." *Gillespie v. Civiletti*, (1980, CA9 Wash) 629 F.2d 637, 30 FR.2d 407; *Mollnow v. Carlton*, (1983, CA9 Wash) 716 F.2d 627, et seq.

In the instant case, under color of state law requirement of 42 USCS § 1983, is the same as state law requirements of the Constitution's Fourteenth Amendment, "which gives right of action against person who, under color of state law, subjects

another to deprivation of any rights, privileges, or immunities secured by Federal Constitution." *Green v. Dumpe*, (1973, CA 9 Cal) 480 F. 2d 624; *Monell v. Department of Social Services*, (1978), 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018, 17 BNA FEP Cas, 873, 16 CCH EPD 8345; *Monroe v. Pape* (1961) 365 US 167, 5 L Ed 2d 492, 81 S Ct 473 et seq.

II.

CONGRESS HAS WAIVED IMMUNITY IN CASES WHERE FEDERAL JUDGES AND OTHER FEDERAL OFFICIALS HAVE CAUSED INJURY TO A PERSON RESULTING FROM THAT OFFICIALS' NEGLIGENT AND WRONGFUL ACTS OR OMISSIONS WHILE ACTING OR ATTEMPTING TO ACT WITHIN THE SCOPE OF AUTHORIZED CAPACITY OR POWER.

In the Memorandum (Appendix D), page 3, lines 1-2, it is the contentions of Ninth Circuit Court of Appeals judges Mary Schroeder, Stephen Trott, and Ferdinand Fernandez that judges John G. Davies, Cecil Poole, Joseph Sneed, and Melvin Brunetti "enjoy absolute immunity from the individual capacity claims brought against them." However, those contentions are without merit.

The courts have consistently held that actions nonjusticiable are nonetheless appropriate for judicial resolution when clear abuse of power, "arbitrary or discriminatory" use of discretion, or actions outside the scope of a judge's lawful authorized power, are at issue.

Taking the complaint's allegations as true, the Doctrine of Judicial Immunity provides the judges with no immunity. Conspiring to deprive a litigant of the due process of the laws, equal protection of the laws and equal privileges under the laws,

based on the impermissible criteria of race and sex and contravening both the Constitution and the national policy, warrants no such protection.

Petitioner has a cause of action against the respondents under the Constitution and the Civil Rights Statutes. Since the acts engaged in by respondents/judges Davies, Poole, Sneed and Brunetti are not within the bounds of Article III of the Constitution and statutes enacted by Congress, and because the respondents have admitted to all of the issues of material facts in the complaint, as a matter of law, petitioner is entitled to judgments in her favor.

Since Congress has waived immunity in cases where Federal judges and other Federal officials have caused injury to a person resulting from that officials negligent and wrongful acts of omissions while acting or attempting to act within the scope of authorized capacity or power, and considering that the respondents have admitted to the issues of material facts set forth in the complaint, simply cannot support district court judge Kim McLane Wardlaw's dismissal of the complaint and the entire civil rights action with prejudice and without notice or hearing.

Certainly judges who have sworn to protect and defend the United States Constitution will not be permitted to use the Constitution to shield them from the law.

The damage to the individual's [constitutional] interests is the same regardless of the perpetrator of the violation. *Paton v. La Prade*, 524 F 2d 862, 870 (3d Cir. 1975) (upholding a "Bivens" cause of action under the First Amendment).

III.

SINCE RESPONDENTS HAVE NOT DENIED ANY OF THE MATERIAL FACTS AND ALLEGATIONS IN THE COMPLAINT, NO ISSUES OF MATERIAL

FACTS EXIST. AS A MATTER OF LAW, PETITIONER IS ENTITLED TO JUDGMENTS IN HER FAVOR.

Respondents most being judges and lawyers, have had over two and a half (2 ½) years to deny the facts and allegations in the complaint. As a matter of law, petitioner is entitled to judgments in her favor against all of the respondents.

Where the material facts and allegations have not been denied, there exist no genuine issues of material facts upon which the outcome of the litigation depends. *United States v. Fisher-Otis Co.* (1974, CA10 Okla) 496. F 2d.

Since the respondents have not denied any of the material facts and allegations in the complaint and no issues of material facts exist, the Court, as a matter of law, must take the material facts as admitted on motions for summary judgments, motions for judgments by default by the court and motions for judgments on the pleadings.

> Federal Rules of Civil Procedure 56 (c) mandates the entry of summary judgment... against a party who fails to make a showing sufficient to establish the existence of an element esse[n]tial to that party's case and upon which that party bears the burden of proof at time of trial. *Celotex Corp v. Catrett* (1986) 477 US 317, 91 L Ed 2d 265, 106 S Ct. 2548, 4 FR Serv 3d 1024; *Lujan v. National Wildlife Federation* (1990) 497 US 871, 111 L Ed 2d 695, 110 S Ct 3177, 31 Envt Rep Cas 1553, 20 ELR 20962.

A substantial number of Court cases show that where there

exists no genuine issue of material fact and that a party is entitled to judgment as a matter of law, "summary judgment may be entered for that party...even if that party has not so moved." *Boston Public Housing Tenants' Public Council, Inc. v. Lynn* (1974, DC Mass) 388 F Supp 493. (1st Circuit); *Abrams v. Occidental Petroleum Corp.* (1971, CA2 NY) 450 F 2d 157, affd 411 US 582, 36 L Ed 503, 93 S. Ct. 1736, et seq. (2nd Circuit); *Bowman v. United States Board of Parole* (1976, WD Wis) 411 F Supp 329. (7th Circuit); *Factora v. District Director of U.S. Immigration & Naturalization Service* (1968, CD Cal) 292 F Supp 518 (9th Cir); *Yacovone v. Bailar*, (1978, D/C Dist Col), 455 F Supp 287. (DC Circuit).

Filing motions to dismiss for purposes of having the complaint and the entire civil rights action dismissed with prejudice and without notice or hearing, Federal Rules of Civil Procedure Rule 55 governing default, does not immunize the defaulted respondents from being in default for failure to plead as to any of the facts and allegations in the complaint within the time required by law.

It is well established in the courts that where a defendant has failed to plead as to any of the material facts and allegations in the complaint within the time required by law, the courts, in considering motions for the court to enter an order of default and for judgment by default, as a matter of law, "the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true." *Danning v. Lavine*, C.A. 9th, 1978, 572 F. 2d 1386; *Thomson v. Wooster*, 1885, 5 S. Ct. 788 114 U.S. 104, 29 L. Ed. 105; *Au Bon Pain Corp. v. Artect, Inc.* C.A. 2d, 1981, 653 F. 2d 61, 65, citing *Wright & Miller*; *Geddes v. United Financial Group.*, C.A. 9th, 1977, 559 F. 2d 557, 560, *citing Wright & Miller.*

A. The United States Constitution And The Civil Rights Statutes Compel Some Kind Of Remedy For Petitioner

Whose Federal Rights Have Been Violated.

The United States Constitution and the Civil Rights Statutes indisputably gives petitioner a cause of action for money damages and the Federal courts possess general remedial power to invoke traditional judicial remedies, including compensatory and punitive damages, necessary and appropriate to the vindication of both statutory and constitutional claims.

Since the respondents have admitted to all of the issues of material facts set forth in the complaint, and the fact that no immunity doctrine prohibited petitioner from filing this suit, the United States Constitution and the Civil Rights Statutes compel some kind of remedy for Petitioner whose Federal rights have been violated. The Framers of the Constitution did not intend that the Bill of Rights establish rights with no remedies.

Considering the nature of the claims, the Constitution compels some kind of effective remedy for the petitioner in the instant case. It was not the Congressional intent that petitioner be left remediless for unconstitutional racial and sexual discrimination...

> "In thus expanding federal judicial power, Congress imposed the duty upon all levels of the federal judiciary to give due respect to a suitor's choice of a federal forum for the hearing and decisions of his federal constitutional claims." *Accord District of Columbia v. Carter*, 409 U.S. 418, 427-29 (1973); *Lynch v. Reed*, 404 U.S. 7 (1971).

It is the duty of a federal Court to adjudicate a constitutional and statutory case within its subject matter

jurisdiction as in the instant case.

Since Congress has directed the District Court to entertain the instant case by vesting the Court with subject matter jurisdiction, failure to provide a necessary remedy strikes at the very heart of the judicial function. Once Congress directs an Article III Court to assume jurisdiction over a constitutional or statutory case - thus triggering a classic Marbury confrontation - neither Congress, nor the Court, may decline to utilize any of the broad range of traditional judicial remedies which are necessary to effectuate a decision on the merits. *Jacobs v. United States*, 290 U.S. 13 (1933), *Brown v. General Services Administration*, 425 U.S. 820 (1976).

Because Congress has prescribed and made available a broad range of judicial remedies necessary to effectuate a decision on the merits, considering the nature of the claims, it is to say the least questionable practice to deny constitutional and statutory litigants such as petitioner, access to a remedy or remedies, necessary to vindicate her constitutional and statutory claims.

IV.

THE RIGHT TO SUE IS PRIVILEGED BECAUSE IT CONSTITUTES A PETITION FOR THE REDRESS OF GRIEVANCES SHIELDED BY THE FIRST, FOURTH, FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND 42 U.S.C. § 1981.

The filing of a lawsuit, whether it be against a governmental entity or against a private party, is Constitutionally protected by the right to petition the government for the redress of grievances, and approaches that of a quintessentially private right shielded by the First, Fourth, Fifth, and Fourteenth Amendments

to the United States Constitution and 42 U.S.C. § 1981.

The Due Process Clause as applied through the Fifth and Fourteenth Amendments requires that this basic civil right to petition for the redress of grievances, must not needlessly, arbitrarily or capriciously be diminished or impinged on the basis of race, color, creed, sex, religion or national origin.

The United States Supreme Court has clearly and repeatedly held that the filing of a lawsuit represents an exercise of the constitutional right to petition the government for the redress of grievances. (*California Transport v. Trucking Unlimited*, [1972] 404 U.S. 508, 510, 30 L. Ed. 2d 642, 92 S. Ct. 609; *United Transportation Union v. Michigan Bar*, [1971] 401 U.S. 576, 28 L. Ed. 2d 339, 91 S. Ct. 1076; *Mine Workers v. Illinois Bar Association*, [1967] 389 U.S. 217, 19 L. Ed. 426, 885 S. Ct. 353; *Railroad Trainmen v. Virginia Bar*, [1964] 377 U.S. 1, 12 L. Ed. 2d 89, 84 S. Ct. 1113).

Section 1981 of Title 42 of the United States Code provides:

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white persons...

Punishing petitioner for relying on, and exercising rights secured by the Constitution and laws of the United States violates petitioner's constitutional guarantee of due process, and further support inference that the judgment order unlawfully entered against petitioner declaring her a vexatious litigant without notice or hearing was more likely than not based upon the impermissible

criteria of race, and are grounds for the judgments to be summarily vacated.

In summary, dismissal of the civil rights complaint and the entire civil rights action with prejudice violates the constitutional guarantee of due process and undermines the Congressional intent reflected in the enactment of 42 U.S.C. §§ 1981, 1983, 1985, 1986 and 28 U.S.C. §§ 1331, 1343.

The very premise upon which the Constitution stands is the equality of all persons before the law.

This Court has ruled that even the President of the United States is not immune from civil suit resulting from unofficial acts.

Petitioner respectfully submit that failure to grant the Writ of Certiorari would authorize condone, and permit Federal judges, under the pretext of performing their constitutionally assigned judicial duties, and lawyers who are permitted to practice in the Federal Courts, under the pretext of forceful advocacy, deliberately violate any litigant's right to equal protection and equal treatment under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution. It would render litigants' helpless to seek vindication of Constitutionally guaranteed rights and leave them wholly vulnerable to unlawful discrimination based on race, sex, religion, color, creed, and national origin. It would mean that judges and lawyers would be virtually the only persons in this country absolutely immune from the Constitutional prohibition against such form of discrimination.

This is a case where the Courts need only perform it's traditional and special function - Constitutional interpretation and enforcement of the Constitution. *Marbury v. Madison*, 1 Cranch 137 (1803).

The case for judicial enforcement is even more stronger

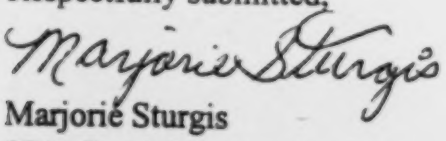
when the Bill of Rights is involved, as in the instant case.

Petitioner respectfully submit that this Court is not precluded from referring the matter of misconduct which rises to the level of criminal offenses to United States Attorney General Janet Reno for investigation and criminal prosecution.

CONCLUSION

Since the respondents have not denied any of the facts and allegations in the complaint, the Courts, as a matter of law, must take the facts and allegations in the complaint as admitted on motions for summary judgment, motions for judgment by default by the Court, and motions for judgments on the pleadings. Because there are no issues as to any of the material facts concerning the issues raised by the complaint, the evidence, and the pleadings, the judgments of the Ninth Circuit should be summarily vacated, and on remand, it is respectfully requested that this Court enter an order directing the District Court to dispose of the action in light of petitioner being entitled to judgments in her favor as a matter of law. Should the Court regard summary action as inappropriate, the Writ should be granted for all of the reasons set forth in this Petition for Writ of Certiorari.

Respectfully submitted,



Marjorie Sturgis
8711 South Western Avenue
Los Angeles, California 90047
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October 15, 1998

Pro Se Petitioner

APPENDICES

APPENDIX A

Marjorie Sturgis
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IN PROPRIA PERSONA

FILED:
February 21, 1996, 2:35 PM
Clerk, U.S. District Court
Central District of California
Los Angeles

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARJORIE STURGIS. Plaintiff, vs. Employers Insurance of Wausau ("WAUSAU"); University of Southern California; Administrative Offices of the United States Courts; Judicial Conference of the United States; John G. Davies; Cecil Poole; Joseph Sneed; Melvin Brunetti; Jeffrey Grube; Robert Moulton; Jefferson Logan; Mark Solomon. Defendants.	96-1224-KMW (JG) **Complaint for Conspiracy** Depriving Plaintiff of Civil-Constitutional Rights; Failure to Prevent Conspiracy; Obstruction of Justice

FIRST CLAIM

I. Jurisdiction

1. This is a Civil Rights Action seeking injunctive relief, and to recover damages for Conspiracy depriving the plaintiff, under color of the laws of the United States and of the State of California, of rights, privileges and immunities as mentioned in 42 U.S.C.S. §§ 1981, 1983, and the acts done in furtherance of the Conspiracy as mentioned in 42 U.S.C.S. §§ 1985 (1) (2) (3) and the failure to prevent the Conspiracy as mentioned in 42 U.S.C.S. § 1986. This Civil Rights Action arises under the United States Constitution, in particular, the First, Fourth, Fifth,

Sixth, Eighth and Fourteenth Amendments thereto, and under the laws of the United States, in particular, 42 United States Code §§ 1981, 1983, 1985 (1) (2) (3), 1986.

2. This United States District Court has Jurisdiction based on Title 28 United States Code, Sections §§ 1331, 133 (a), 1332, 1343, 1343 (3) (4), 1346. Plaintiff further invokes the pendant jurisdiction of this Court to consider all claims under State law. The further relief sought in this action is more fully spelled out in this Complaint.

II. Parties

Plaintiff

3. Plaintiff, Marjorie Sturgis, appearing In Propria Persona, is a citizen of the United States, and of the State of California, and at all times relevant hereto, was residing in the County of Los Angeles.

Defendants

4. Defendant John G. Davies is, on information and belief, a citizen of the United States, and of the State of California. At all times relevant, he was acting in such capacity as a judge for the United States District Court, Central District of California, Los Angeles, California.

5. Defendant Jeffrey Grube is, on information and belief, a citizen of the United States, and of the State of California, and is a lawyer with the law firm of Paul, Hastings, Janofsky, and Walker, representing defendant University of Southern California.

6. Defendant Robert Moulton is, on information and belief, a citizen of the United States, and of the State of California, and was the lawyer representing defendant Employers Insurance of Wausau, also known as "WAUSAU."

7. Defendant Jefferson Logan is, on information and belief, a citizen of the United States, and of the State of California, and is a lawyer with the law firm of Sidley & Austin, and at the time of these allegations, was representing defendant Mark Solomon of Jacobs &

Solomon.

8. Defendant Mark Solomon is, on information and belief, a citizen of the United States, and of the State of California, and is a lawyer with the law firm of Jacobs & Solomon.

9. Defendant Cecil Poole is, on information and belief, a citizen of the United States, and of the State of California. At all relevant times, he was acting in such capacity as a judge for the United States Court of Appeals for the Ninth Circuit in San Francisco, California.

10. Defendant Joseph Sneed is, on information and belief, a citizen of the United States, and of the State of California. At all times relevant, he was acting in such capacity as a judge for the United States Court of Appeals for the Ninth Circuit in San Francisco, California.

11. Defendant Melvin Brunetti, is on information and belief, a citizen of the United States, and of the State of California. At all relevant times, he was acting in such capacity as a judge for the United States Court of Appeals for the Ninth Circuit in San Francisco, California.

12. Defendant Employers Insurance of Wausau, also known as "WAUSAU" is, on information and belief, a corporation incorporated under the laws of the State of Wisconsin, and has its principal place of business in the State of Wisconsin.

13. Defendant University of Southern California is, on information and belief, an institution of higher education incorporated under the laws of the State of California, and has its principal place of business in the State of California.

14. Defendants Administrative Offices of the United States Courts, Judicial Conference of the United States, is on information and belief, Governmental agencies/entities incorporated in, and having principal places of business in a State other than that of the plaintiff's citizenship.

15. Each defendant is being sued individually and in official capacities. Relief is sought against each defendant as well as their agents, attorneys, assistants, successors, employees, and all persons,

acting in concert or cooperation with them or at their direction or under their control.

Introductory Statement

16. On or about August 14, 1992, and on or about September 15, 1992, defendant Mark Solomon, who at that time was the lawyer representing defendant University of Southern California-administered by defendant Employers Insurance of Wausau ("WAUSAU"), along with Robert Nakagawa and Richard Reyna, referees for Workers' Compensation Appeals Board of the State of California, allegedly conspired, and based upon factually false, and highly distorted information pertaining to the plaintiff that had been set forth in an Opinion prepared, filed, and served by referee Richard Reyna under color of State law on October 5, 1992, for the specific purpose of depriving, and did deprive the plaintiff of lawful workers compensation benefits, in order to punish her for First Amendment activity.

17. Having exhausted State administrative and appeal processes, on September 21, 1993, the pro se plaintiff filed a civil action in this United States District Court, Central District of California with allegations of having been deprived of her First, Fourth, Fifth, and Fourteenth Amendment rights arising from the workers compensation proceedings.

18. Defendant Workers' Compensation Appeals Board of the State of California (State of California Department of Industrial Relations-Division of Workers Compensation; State of California-Department of Industrial Relations-Division of Industrial Accidents), never did make an appearance, or file and serve an answer or other defense in the action and was in default when the District Court judge dismissed this defendant.

19. Having survived the Motions of Dismissal by defendants University of Southern California, Employers Insurance of Wausau ("WAUSAU"), and defendant Jacobs & Solomon, the pro se plaintiff, fully within the protection of the Fifth, Sixth, and Fourteenth Amendments, and Title 28 U.S.C.S. § 1654, which provides for the right of self representation in the Federal and State Courts, proceeded to vindicate her constitutional guarantees here in this United States District

Court.

20. Plaintiff alleges that after having survived the Motions of Dismissal, it was painfully clear that the opposing lawyers had agreed to continue the pattern of conspiracy for purposes of obstructing the plaintiff's due course of justice. More painful, was the realization that the District Court judge that was presiding over the proceedings, allegedly, was intertwined in the very acts and threatened acts that caused the plaintiff's injuries.

21. Plaintiff alleges that the record demonstrated a preponderance of compelling, irrefutable evidence indicating her highly probable success of prevailing on the merits, because the proceedings were permeated with such severe racial, sexual, and pro se discriminatory animus, abusive, dilatory conduct, that was so violative, and unreasonable, and so overwhelmingly burdened the plaintiff's exercise of her constitutionally protected right to vindicate constitutional guarantees here in this United States District Court, she was compelled to dismiss the civil rights actions, and on July 20, 1994, submitted a request for dismissal.

22. Plaintiff alleges that in an incomplete, uncertain, vague, tentative order, the District Court judge dismissed the civil rights actions on July 28, 1994, including the defaulted defendants.

III. Cause of Action

23. Plaintiff alleges that defendants' Jeffrey Grube, the male, white lawyer representing defendant University of Southern California, Jefferson Logan, the male, white lawyer, who at the time of these allegations was representing defendant Mark Solomon of Jacobs & Solomon, Robert Moulton, the male, white lawyer representing defendant Employers Insurance of Wausau ("WAUSAU"), defendant Mark Solomon, the male, white lawyer of the law firm of Jacobs & Solomon, along with defendant John G. Davies, the male, white judge presiding over the District Court proceedings, motivated by a shared animosity and resentment of the plaintiff because she is a member of the African-American race, and because she is a woman, both being disadvantaged classes of people historically discriminated against.

particularly, African Americans, because of their origin, at least tacitly agreed for the specific purpose of depriving the plaintiff of her constitutionally protected right to a fair and just trial, and lawful property due, and participating in an aggressive conspiracy, under color of the laws of the United States, and of the State of California, have caused, or permitted the plaintiff, a citizen of the United States, to be subjected to the unlawful deprivation, solely on the basis of her African-American race, because she is a woman, and because she was not represented by a lawyer in the proceedings, of the equal protection of the laws, equal treatment under the laws, equal privileges and immunities under the laws, and due process of the law, all being secured to her by the Amendments of the Constitution and the laws of the United States.

24. Plaintiff alleges that defendant John G. Davies, failed to take the appropriate and corrective actions to stop the conspiracy, and instead, participated in a conscious, willful, pattern of intentional and deliberate indifference to defendants' Jeffrey Grube, Robert Moulton, Jefferson Logan, and defendant Mark Solomons' abuse of the Federal Judicial process for unlawful and malicious purposes by allowing these lawyers unbridled, discriminatory, abusive, dilatory conduct to go unchecked, and in some instances, at the concerted requests of these lawyers, the defendant, acting outside of core, lawful judicial duties, condoned and authorized these lawyers' discriminatory, abusive, dilatory behavior with court orders, and the defendant's intentional, negligent acts and omissions were the sole and direct cause of the plaintiff being compelled to dismiss the civil rights actions, and has deprived the plaintiff of valuable property interests without due process of the law, and constitute irreparable injury.

25. Plaintiff alleges that defendants Jeffrey Grube, Robert Moulton, Jefferson Logan, Mark Solomon, and defendant John G. Davies, motivated by racial, sexual and pro se discriminatory animus, and acting outside of their core, lawful duties and authority, under color of the laws of the United States and of the State of California, conspired, whereas by threat, intimidation, harassment, provocation, and oppression by abridgement and modification of the plaintiff's substantive statutory rights by discriminatory, coercive, protracted, procedural devices, and abusing the Federal judicial process, impeded, hindered, and obstructed the plaintiff's due course of justice, and in the process, deprived her, solely on the basis of race, gender, and pro se discriminatory animus, of

her constitutionally protected right to a fair and just trial, and lawful property due, and violated the plaintiff's Fifth, Sixth, and Fourteenth Amendment rights under the Constitution, and under State law as well as her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654.

26. Plaintiff alleges that the defendants' conspiracy that deprived her solely on the basis of race, gender, and pro se discriminatory animus, of the fair, just speedy and proper adjudication of the controversy was for the unlawful purpose and effect of intimidating, harassing, oppressing, coercing, and punishing her for, and deterring, and did deter her from the exercise of her constitutionally protected rights to freedom of self representation and reasonable and equal access to this United States District Court and violated the plaintiff's rights under the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654.

27. Plaintiff alleges that in furtherance of the conspiracy, defendants' Jeffrey Grube, the lawyer representing defendant University of Southern California, Robert Moulton, the lawyer representing defendant Employers Insurance of Wausau ("WAUSAU"), and defendant Jefferson Logan, who at the time of these allegations was representing defendant Mark Solomon of Jacobs & Solomon, further motivated by racial, sexual, and pro se discriminatory animus, under "cloud" of the District Court's Early Meeting Conference on March 2, 1994, and under color of the laws of the United States and of the State of California, intimidated, harassed, provoked, and threatened the plaintiff with evidentiary workers compensation documents that had been factually altered by means of computer trafficking, and had been supplied to these lawyers by defendant Mark Solomon of Jacobs & Solomon.

28. Plaintiff alleges that among documents that were actually and reasonably needed for their defense, were documents containing unsupported, highly provocative statements pertaining to the sexual capabilities of the plaintiff and the sexual capabilities of her husband.

29. Plaintiff further alleges that among the documents were documents containing unsupported, highly provocative statements

describing the plaintiff's husband as being "alcoholic" - "work-a-holic."

30. Plaintiff further alleges that among the documents were documents containing unsupported, highly provocative statements describing the plaintiff as an African-American woman as being "ignorant," "mentally deficient," "obese," "incompetent," "delusional," and "without credibility."

31. Plaintiff further alleges that among the documents were documents containing unsupported, highly provocative, factually false and distorted statements set forth in an Opinion that had been prepared by Referee Richard Reyna of the Workers' Compensation Appeals Board of the State of California for purpose of depriving the plaintiff of workers' compensation benefits.

32. Plaintiff further alleges that among the documents were strictly private and privileged medical documents pertaining to her female anatomy that had been factually altered, describing the plaintiff's vaginal-cervix with factually false and libelous words such as "erosion" and "corrosion."

33. Plaintiff further alleges that defendants Jeffrey Grube, Robert Moulton, Jefferson Logan, and defendant Mark Solomon, conspiring and factually altering documents pertaining to her person for unlawful purposes, deprived the plaintiff of the right to control her own body as applied to the most intimate, private and privileged papers pertaining to a woman's body, and constitute racial and sexual discrimination, racial and sexual harassment, the infliction of cruel and unusual punishment, abuse of the Federal Judicial process for unlawful and malicious purposes, and violated the plaintiff's rights under the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, as well as her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, and the defendants' discriminatory, illegal, and outrageous conduct is the sole and direct cause of the plaintiff suffering further severe and extreme emotional distress on account of humiliation and exploitation, as well as being the sole and direct cause of the plaintiff being compelled to dismiss the civil rights actions, and has caused her to be deprived of valuable property interests without due process of the law, constituting further irreparable injury to the plaintiff.

34. Plaintiff further alleges that her due process, equal protection, and her Fourth, Fifth, Sixth and Fourteenth Amendment rights were further infringed when defendant Jeffrey Grube, on this same day of March 2, 1994, stated that he *was going to submit these falsified*, libelous documents to the District Court the next day (March 3, 1994) as admissible evidence so that the falsified, libelous documents could be used at time of trial, and the defendant's illegal acts and threatened acts were the sole and direct cause of the plaintiff being compelled to dismiss the civil rights actions and has deprived the plaintiff of valuable property interests without due process of the law, and constitute further irreparable injury to the plaintiff.

35. Plaintiff further alleges that at the District Court's Status Conference Hearing on March 21, 1994, defendant John G. Davies, acting outside core, lawful judicial duties, impliedly ratified, and condoned these lawyers' discriminatory, illegal behavior as applied to the falsified, libelous documents by implying that because the action was one arising from State workers' compensation proceedings, such documents would be expected, thereby transforming the acceptance of these lawyers' conspiratorial, discriminatory and illegal behavior into a condition of plaintiff's continued self-representation in this District Court, as an African-American, and as a woman, and is sufficient reasonable cause to infer discriminatory intent based on race, gender, and pro se animus, and was the sole and direct cause of the plaintiff's being compelled to dismiss the civil rights actions and violated the plaintiff's rights under the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, as well as her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654.

36. Plaintiff alleges that in furtherance of the conspiracy, defendants' Jeffrey Grube, the lawyer representing defendant University of Southern California, Robert Moulton, the lawyer representing defendant Employers Insurance of Wausau ("WAUSAU"), and defendant Jefferson Logan, who at the time of these allegations was representing defendant Mark Solomon of Jacobs & Solomon, abusing the federal judicial process for the unlawful purpose of impeding, hindering, and obstructing the plaintiff's due course of justice, and exploiting her pro se status, engaged in "sham" litigation strategies and

tactics in the form of:

(a) Filing and serving pleadings, motions, and other papers that had no reasonable basis in fact or law, and was not supported by any evidence.

(b) Employing inapplicable case law.

(c) Scheduling hearings without permitting needed parties to be joined for the fair, just, and proper hearings of the controversies.

(d) Engaged in ex parte communications with the judge for purposes of obtaining, and did obtain, tactical and procedural advantages over the plaintiff.

(e) Abuses of the discovery/deposition process for the unlawful purpose and effect of prolonging and increasing the costs of the proceedings for personal, monetary gains, as well as for purposes of prolonging and increasing the discriminatory intimidation, harassment, and oppression of the plaintiff, all to the detriment of, and manifest injustice to the pro se plaintiff.

37. Plaintiff further alleges that in furtherance of the conspiracy, defendant John G. Davies, pursuant to a pattern and practice of departing from the legal guidelines in cases involving African-Americans, and pursuant to this District Court's systematic practice, custom, and policy of discriminating against pro se litigants based on certain local rules that are prejudiced and biased against pro se litigants, and by training employees to be hostile and uncooperative toward pro se litigants based on lawyers preferences, and based upon a judge here in this District Court threatening a pro se litigant with imprisonment, and despite the record demonstrating a preponderance of compelling and irrefutable evidence indicating the plaintiff's highly probable success of prevailing on the merits, and exploiting the plaintiff's pro se status, allegedly:

(a) Failed to permit the plaintiff to enter default judgment against defaulted defendant Workers Compensation Appeals Board of the State of California in the principal case and defaulted defendant Mark Solomon of Jacobs & Solomon in the related

case and dismissed these defaulted defendants without due process of the law and has caused the plaintiff to be deprived of lawful property due without due process of the law.

(b) Intentionally failed to apply the law to the facts and to the evidence in the case, all being highly favorable to, and supportive of the plaintiff.

(c) At the concerted requests of defendants Jeffrey Grube, Robert Moulton, Jefferson Logan and defendant Mark Solomon, allegedly:

1) Issued court orders ordering the plaintiff, and not one of the white parties and witnesses, to undergo depositions.

2) Issued court order ordering the plaintiff to undergo depositions by a referee that had been personally "hand picked" and impanelled by Jeffrey Grube, Robert Moulton, Jefferson Logan, and defendant Mark Solomon, and was associated with these lawyers' law firms, and was for the specific purpose of harassing, intimidating, and compelling the plaintiff to act as a witness against herself, and to deprive her of the privilege against self-incrimination.

3) In violation of the plaintiff's Fifth and Fourteenth Amendment rights, and her right under 42 U.S.C.S. § 1985 (3) as applied to substantive and procedural due process, ordered the plaintiff to attend hearings scheduled by these lawyers where there was the concerted, intentional, and deliberate failure to join needed parties for the fair and just hearings of the controversies.

4) Engaged in ex parte communications for purposes of these lawyers obtaining, and did obtain, tactical and procedural advantages over the plaintiff.

5) Threatened the plaintiff with dismissal of the case and the imposition of sanctions because she sent these lawyers and their personally "hand-picked" referee a letter regarding the deposition controversy.

6) Failed to join needed parties for the fair, just, speedy and effective adjudication of the case, and was for the unlawful purpose of depriving the plaintiff of the right to trial by jury, and to prevent the development of a full and truthful record, and is evidenced by the District Court's factually distorted Civil Docket record.

7) Intentionally failed to protect the pro se plaintiff's legal interests in the proceedings and caused her to be further deprived of valuable property due without due process of the law.

38. Plaintiff further alleges that defendant John G. Davies, intentionally failed to apply the close scrutiny guidelines that the Federal Courts are required to afford Constitutionally suspect race and gender classifications, and was for the basic purpose and effect of increasing the male, white lawyers' tactical and procedural advantages over the African-American, female, pro se plaintiff, and the defendant's unconstitutional, intentional failure to apply the close scrutiny guidelines is sufficient reason to infer further discriminatory intent based on race, gender and pro se animus, and was the sole and direct cause of the plaintiff being compelled to dismiss the civil rights actions, and has deprived the plaintiff of valuable property interests without due process of the law, and constitute further irreparable injury to the plaintiff.

39. Plaintiff alleges that she was further deprived of her Fifth, Sixth, and Fourteenth Amendment rights to equal treatment, equal protection, equal privileges and immunities caused by defendant John G. Davies' unlawful administration of 28 U.S.C.S. § 1654, resulting in its unreasonable and unequal application. By statute, the pro se, female, African-American plaintiff, although not a lawyer, was similarly situated in the proceedings, and as such, was entitled to be treated the same and/or similarly as the male, white lawyers, and the judge's intentional and unconstitutional failure to do so is sufficient, reasonable cause to infer further discriminatory intent based on race, gender and pro se animus, and was the sole and direct cause of the plaintiff's being compelled to dismiss the civil rights actions and has caused the plaintiff to be further deprived of valuable property interests without due process of the law, and constitute further irreparable injury to the plaintiff.

40. Plaintiff alleges that her due process, equal protection, equal privileges and immunities' rights were further infringed when defendant Robert Moulton, the lawyer representing defendant Employers Insurance of Wausau ("WAUSAU"), prepared, filed, and served motions, pleadings, and other court documents, and engaged in discovery in the name of Employers Mutual Liability Insurance of Wisconsin, a fabricated entity, and is sufficient, reasonable cause to suspect that it was for the intent of using this United States District Court as an instrument to perpetrate a fraud upon the plaintiff.

41. Plaintiff further alleges that defendants' Jeffrey Grube, the lawyer that was representing defendant University of Southern California, Jefferson Logan, who at the time of these allegations was representing defendant Mark Solomon of Jacobs & Solomon, along with defendant John G. Davies, by preparing, filing, and serving court documents in the name of this fabricated entity is sufficient, reasonable cause to infer that it was for the intent of assisting in executing the fraud upon the plaintiff.

42. Plaintiff alleges that she was further deprived of due process, equal treatment, equal protection, and equal privileges and immunities resulting from defendant John G. Davies' intentional and unconstitutional failure to disclose to the pro se plaintiff that the incomplete, uncertain, vague, tentative order of dismissal was Constitutionally defective, and the defendant's intentional negligent acts and omissions were the sole and direct cause of the plaintiff bringing the Appeal before the United States Court of Appeals for the Ninth Circuit on August 26, 1994.

43. As a result of the defendants' misconduct hereinbefore complained of, plaintiff Marjorie Sturgis has suffered, and is continuing to suffer severe and extreme emotional distress on account of severe, extreme, and prolonged humiliation and exploitation, pain and suffering, cruel and unusual punishment because of her race, her gender, and because she was not represented by a lawyer in the proceedings, is continuing to suffer from the loss of valuable workers' compensation benefits as a result of the defendants' conspiracy, and has otherwise been severely and irreparably damaged as a result of the outrageous, false, and libelous documents pertaining to her person and that of her husband's person, all constituting irreparable injury to the plaintiff.

44. The unconstitutional conduct engaged in by the defendants that has deprived the plaintiff of her Civil and Constitutional rights are not within the scope and range of their lawful authority and duties, and as such, are not protected with defenses of absolute, or qualified, or sovereign immunity.

45. Under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. §§ 1331, 1343, 1346, the Doctrine of Sovereign Immunity does not bar suits against Federal officials when motivated by racial and sexual discriminatory animus, and acting outside core, lawful duties, conspired with others and caused a citizen to be deprived of Civil and Constitutional rights.

46. The allegations set forth in Paragraphs 1 through 45 are repeated and re-alleged.

47. The hereinabove described actions and omissions, engaged in under color of the laws of the United States and of the State of California by the defendants, including defendants University of Southern California and Employers Insurance of Wausau ("WAUSAU"), sued as persons responsible because of their authorization, condonation, and ratification thereof for the acts of its agents and lawyers, and defendants' Administrative Offices of the United States Courts and Judicial Conference of the United States, responsible for failure to properly instruct defendant-judges in applicable provisions of the Constitution and laws of the United States as applied to prohibition against violation of litigants Civil and Constitutional rights based on race, gender and socio-economic status, deprived the plaintiff of rights secured to her by the Constitution and laws of the United States, including, but not limited to her First Amendment rights to freedom of speech, and freedom of expression, her Fourth Amendment rights to be free from the defendants' conspiracy misrepresenting her person for unlawful purposes, as well as her right to be free from the illegal seizure of private, privileged papers pertaining to her person, her Fifth, Sixth and Fourteenth Amendment rights to be free from the defendants' conspiracy that resulted in her being deprived of the right to a fair, just and speedy trial by jury, as well as being deprived of her constitutionally protected rights of self representation and reasonable and equal access to the United States District Court, her Fifth and Fourteenth Amendment rights to be free from the defendants'

conspiracy resulting in her being deprived of valuable property due without due process of the law, and her Eighth and Fourteenth Amendment rights to be free from the defendants' intentional infliction of cruel and unusual punishment upon the plaintiff because of her race, because she is a woman, and to punish her for not being represented by a lawyer in the proceedings.

SECOND CLAIM

I. Jurisdiction

48. Plaintiff alleges, as though specifically set forth, the allegations of paragraphs 1 through 2.

II. Parties

49. Plaintiff alleges, as though specifically set forth, the allegations in paragraphs 3 through 15.

III. Cause of Action

50. Plaintiff re-alleges, as though specifically set forth, the allegations in paragraphs 22, 44 and 45.

51. Plaintiff alleges that in furtherance of the conspiracy, defendant Jeffrey Grube of the law firm, Paul, Hastings, Janofsky, and Walker, the firm representing defendant University of Southern California, defendant Robert Moulton, the lawyer representing defendant Employers Insurance of Wausau ("WAUSAU"), defendant Jefferson Logan, of the law firm of Sidley & Austin, defendant Mark Solomon, who at the time of these allegations was being represented by the law firm of Haight, Brown & Bonesteel, and defendant John G. Davies, the District Court judge presiding over the proceedings, along with Court of Appeals judges/defendants' Cecil Poole, Joseph Sneed, and Melvin Brunetti, motivated by racial, sexual and pro se discriminatory animus, and pursuant to a pattern and practice of the United States Court of Appeals for the Ninth Circuit of discriminating against pro se litigants

based on lawyer preferences, at least tacitly agreed to further deprive the plaintiff of due process, the equal protection of the laws, and equal privileges and immunities under the laws, and participating in an aggressive conspiracy, under color of the laws of the United States, and of the State of California, unlawfully commenced and maintained an Appeal that was Jurisdictionally defective, and violated the plaintiff's rights under the Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution and under State law, as well as her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654.

52. Plaintiff further alleges that defendants Cecil Poole, Joseph Sneed, and defendant Melvin Brunetti, further motivated by racial, sexual, and pro se discriminatory animus, male bonding, and to punish the plaintiff for her allegations of discriminatory and unconstitutional conduct on the part of colleague/judge/defendant John G. Davies, and colleagues/lawyers/defendants' Jeffrey Grube, Robert Moulton, Jefferson Logan, and defendant Mark Solomon, under color of the laws of the United States and of the State of California, with reckless disregard of the plaintiff's Civil and Constitutional rights, in a display of arbitrary power and authority possessed by virtue of Federal law, failed to remand the consolidated civil rights actions back to the District Court in order for defendant John G. Davies to apply the proper legal/constitutional standards to the incomplete, uncertain, vague, tentative, Constitutionally defective Order of Dismissal.

53. Plaintiff further alleges that defendants' Cecil Poole, Joseph Sneed, and defendant Melvin Brunetti, abusing the Federal judicial process for the unlawful purpose of further depriving the plaintiff of due process and the equal protection of the laws, equal privileges and immunities under the laws, in a further display of arbitrary power and authority possessed by virtue of Federal law, employing inapplicable case law, commenced and maintained this Jurisdictionally defective Appeal from August 26, 1994, until May 23, 1995, an Appeal that these defendants knew, or by virtue of their positions, should have known, was not within the Court of Appeals jurisdiction and violated the plaintiff's Fifth and Fourteenth Amendment rights under the United States Constitution as well as her rights under 42 U.S.C.S. §§ 1981, 1985 (1) (2) (3), 1986.

54. Plaintiff alleges that defendants' Cecil Poole, Joseph Sneed, and

defendant Melvin Brunetti, pursuant to a systematic pattern, practice, policy and custom of the United States Court of Appeals for the Ninth Circuit "catering" to powerful California law firms, in furtherance of the conspiracy for purposes of obstructing the due course of justice, solely on the basis of the plaintiff's race, because she is a woman, and because she was not represented by a lawyer, permitted the law firm of Paul, Hastings, Janofsky & Walker, the law firm representing defendants University of Southern California and Jeffrey Grube, and the law firm of Sidley & Austin, the firm representing defendant Jefferson Logan, and the law firm of Haight, Brown & Bonesteel, the law firm that was representing defendant Mark Solomon at the time of these allegations, and defendant Robert Moulton, the lawyer that was representing defendant Employers Insurance of Wausau ("WAUSAU"), to abuse the Federal Judicial process, by commencing, and maintaining this Jurisdictionally defective Appeal, by employing inapplicable case law from August 26, 1994, until May 23, 1995, and violated the plaintiff's Fifth, Sixth, and Fourteenth Amendment rights under the Constitution, and under State law, as well as her rights under 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654.

55. Plaintiff alleges that in furtherance of the conspiracy depriving her of due process, equal protection, equal privileges and immunities, solely on the basis of race, gender, and pro se discriminatory animus, defendants' Cecil Poole, Joseph Sneed, and defendant Melvin Brunetti, in a further display of arbitrary power and authority possessed by virtue of Federal law, and acting outside of core, lawful judicial duties, unlawfully substituted their own personal views of what may have constituted defendants' John G. Davies' action as applied to the Constitutionally defective Order of Dismissal, and further violated the plaintiff's rights under 42 U.S.C.S. §§ 1981, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654 and the defendants' intentional negligent acts and omissions were the sole and direct cause of the plaintiff being further deprived of valuable property interests without due process of the law, constituting further irreparable injury to the plaintiff.

56. Plaintiff alleges that in furtherance of the conspiracy, defendants' Cecil Poole, Joseph Sneed, and defendant Melvin Brunetti, further abusing the Federal Judicial process for the unlawful and malicious purposes of depriving the plaintiff of due process, equal protection of the laws, equal privileges and immunities under the laws,

solely on the basis of her African-American race, because she is a woman, and because she was not represented by a lawyer, in a further display of arbitrary power and authority possessed by virtue of Federal law, without proof of fault on their part, or without identifying or specifying the conduct, further stripping the plaintiff of her Civil and Constitutional protections, unlawfully and maliciously imposed upon the plaintiff a false finding of dilatory conduct, and is a shocking violation of due process of the worst kind, and further violated the plaintiff's rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C.S. §§ 1981, 1983, 1985 (1) (2) (3), 1986, 28 U.S.C.S. § 1654, and the defendants' continuous infliction of cruel and unusual punishment is the sole and direct cause of the plaintiff suffering further severe and extreme emotional distress, pain, and anguish, and constitute further irreparable injury to the plaintiff.

57. Plaintiff alleges that defendants' Cecil Poole, Joseph Sneed, and defendant Melvin Brunetti, further stripping the plaintiff of her Civil and Constitutional protections, unlawfully and maliciously rendered a judgment against the plaintiff based upon their unsupported, false finding, and is a further shocking violation of due process of the worst kind and further violated the plaintiff's Fifth, Sixth, Eighth and Fourteenth Amendment rights under the United States Constitution as well as her rights under 42 U.S.C.S. §§ 1981, 1985 (1) (2) (3), 19[illegible] and the defendants' reckless disregard of the plaintiff's rights under the United States Constitution, and their intentional, negligent acts and omissions were the sole and direct cause of the plaintiff suffering further severe and extreme emotional distress, cruel and unusual punishment, as well as being further deprived of valuable property interests without due process of the law, constituting further irreparable injury to the plaintiff.

58. Plaintiff further alleges that the defendants' intentional and negligent acts and omissions, were the sole and direct cause of the plaintiff to seek review from the United States Supreme Court, thereby further increasing and prolonging the emotional and financial burdens of the plaintiff, as well as having caused the plaintiff to be unlawfully, and irreparably stigmatized by an unresolved, false accusation, and is the sole and direct cause of the plaintiff suffering further severe and extreme emotional distress, and constitute further irreparable injuries to the plaintiff.

59. As a result of the defendants' malicious and shocking conduct that mocks the very notion of justice under the United States Constitution, the plaintiff has suffered, and is continuing to suffer severe and extreme emotional distress, severe and extreme humiliation and exploitation, pain and suffering, incurred expenses as applied to defending pro se, has continued to suffer from the conspiracy that caused her to be deprived of workers compensation benefits still due her under State law, and has otherwise been severely and irreparably damaged as a result of being unlawfully stigmatized by an unresolved, false accusation as a consequence of the abuse of power and authority, all constituting irreparable injuries to the plaintiff.

60. The allegations set forth in paragraphs 47 through 59 are repeated and re-alleged.

61. The hereinabove described actions and omissions engaged in under color of the laws of the United States and of the State of California by the herein named defendants, including defendants' Administrative Offices of the United States Courts and Judicial Conference of the United States, responsible for failure to properly instruct defendant-judges in applicable provisions of the Constitution and laws of the United States as applied to prohibition against violations of litigants Civil and Constitutional rights based on race, gender, and socio-economic status, including defendant University of Southern California and defendant Employers Insurance of Wausau ("WAUSAU"), sued as persons, responsible because of their authorization, condonation, and ratification thereof for the acts of its agents and lawyers, deprived the plaintiff of rights secured to her by the Constitution and the laws of the United States, including, but not limited to her Fifth, Sixth, and Fourteenth Amendment rights to be free from the defendants' conspiracy that deprived her of due process, equal protection and her equal privileges and immunities rights, as well as her right to be free from the defendants' conspiracy that has caused her to be unlawfully, and irreparably stigmatized by an unresolved, false accusation as a consequence of the defendants' concerted abuse of power and authority.

IV. Prayer for Relief

WHEREFORE, Plaintiff Marjorie Sturgis pray that this Most Honorable Court:

A. Permanently enjoin all of the defendants herein named, their attorneys, agents, employees, assistants, and all others acting in concert or cooperation with them at their direction or under their control from:

(1) Punishing, and retaliating against the plaintiff by subjecting her to illegal warrants, seizures, and the entry of unlawful judgments against the plaintiff for having filed this lawsuit.

(2) Threatening, intimidating, harassing, provoking, deterring, and oppressing the plaintiff with discriminatory, coercive, protracted procedural devices, or otherwise interfering in any manner with the plaintiff's exercise of her lawful, constitutionally protected rights of self representation and reasonable and equal access to this United States District Court while attempting to vindicate Constitutional guarantees.

B. Since the Attorney General is responsible for the enforcement of Civil Rights laws, it is respectively requested that the proceedings be monitored.

C. Plaintiff demands the following relief jointly and severally against all of the defendants:

1) Compensatory damages in the amount of $1,000,000

2) Punitive damages in the amount of $50,000,000

3) Special damages in the amount of $5,000,000

4) Fees and other expenses as applied to Pro Se litigants own services under the Equal Access to Justice Act, Freedom of Information Act, and under 42 U.S.C.S. § 1988.

5) Expedited docket treatment to bring this case to trial by Jury at

the earliest possible time.

6) Such other and further relief as this Honorable Court may deem appropriate, fair and just under the circumstances.

/s/ Marjorie Sturgis
MARJORIE STURGIS

Dated: February 21, 1996

APPENDIX B

FILED
Clerk, U.S. District Court
May 14, 1997
Central District of California
By Deputy

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

MARJORIE STURGIS, Plaintiff, v. EMPLOYERS INSURANCE OF WAUSAU; UNIVERSITY OF SOUTHERN CALIFORNIA; etc., et al., Defendants.	)	No. CV 96-1224-KMW (AJW)
	)	Order Adopting Report And Recommendation Of United States Magistrate Judge

Pursuant to 28 U.S.C. § 636 (b) (1) (C), the Court has reviewed the entire record in this action, the attached Report and Recommendation of United States Magistrate Judge, and the objections filed within the time allowed. The Court concurs with and adopts the findings of fact, conclusions of law, and recommendation contained in the attached report and recommendation after having made a de novo determination of the portions to which objections were directed.

IT IS ORDERED that (1) defendants' motions to dismiss are granted; (2) that judgment be entered dismissing the complaint and the entire action with prejudice; (3) defendants' motions to declare the plaintiff a vexatious litigant is granted; and (4) (a) the Clerk of the Court shall not accept for filing any new complaint (i) naming Marjorie Sturgis as a plaintiff, and either (ii) asserting claims arising out of her workers' compensation claim or her civil actions in the United States District Court for the Central District of California, case nos. CV93-5716-JGD(JGx), CV 94-2982-JGD (JG) and CV 96-1224-KMW (AJW), or (iii) naming as a defendant any person or entity named as a defendant in Sturgis I, Sturgis II, or this action, or any judicial officer who has been assigned to a case involving plaintiff without:

(I) the presentation of a separated application for leave to file entitled "Application Seeking Leave to File Complaint," which shall include a copy of this Order to the Clerk of the Court in this action;

(II) an order issued by a United States District Judge or a United States Magistrate Judge granting the application upon such showing of a good faith basis in law and in fact supporting the claim as such judge may require;

(III) payment of normal filing fees; and

(IV) deposit of the sum of $2,500.00 to secure the payment of any costs or sanctions that may be awarded against Marjorie Sturgis in such new action.[1]

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[1] Conditions (III) and (IV), of course, may be modified or waived by the judge to whom plaintiff's application seeking leave to file a complaint is presented, depending upon plaintiff's financial condition and other circumstances presented at that time.

(b) Upon the removal from state court to this Court or upon the transfer from another federal court to this Court of any action meeting the description contained in paragraph (a), plaintiff shall within ten (10) days file and serve a separate application for leave to proceed entitled "Application Seeking Leave to Proceed With Action" which shall include a copy of this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall serve a copy of the Order Adopting Report and Recommendation of United States Magistrate Judge and Judgment on plaintiff and counsel for defendants.

/s/ Kim Wardlaw
KIM M. WARDLAW
United States District Judge

Dated: May 9, 1997

APPENDIX C

ENTERED
Clerk, U.S. District Court
May 15, 1997
Central District of California
By Deputy

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

MARJORIE STURGIS, Plaintiff, v. Employers Insurance of Wausau; University of Southern California; Administrative Offices of the United States Courts; Judicial Conference of the United States John G. Davies; Cecil Poole; Joseph Sneed; Melvin Brunetti; Jeffrey Grube; Robert Moulton; Jefferson Logan; Mark Solomon, Defendants.	) No. CV 96-1224-KMW (AJW)	JUDGMENT

IT IS HEREBY ADJUDGED that defendants' motion to dismiss is granted, and judgment is entered dismissing the complaint and the entire action with prejudice.

/s/ Kim Wardlaw
KIM M. WARDLAW
United States District Judge

Dated: May 9, 1997

APPENDIX D

FILED: May 22, 1998
Cathy A. Catteson, Clerk
U.S. Court of Appeals

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARJORIE STURGIS, Plaintiff-Appellant,	)	No. 97-55934
v.	)	No. CV 96-1224-KMW (AJW)
EMPLOYERS INSURANCE OF WAUSAU ("WAUSAU"); UNIVERSITY OF SOUTHERN CALIFORNIA; ADMINISTRATIVE OFFICES OF THE UNITED STATES COURTS; JUDICIAL CONFERENCE OF THE UNITED STATES; JOHN G. DAVIES; CECIL POOLE; JOSEPH SNEED; MELVIN BRUNETTI; JEFFREY GRUBE; ROBERT MOULTON; JEFFERSON LOGAN; MARK SOLOMON, Defendants-Appellees.	)	MEMORANDUM*

On Appeal from the United States District Court
for the Central District of California
Kim M. Wardlaw, District Judge, Presiding
Submitted May 14, 1998**

* This deposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Accordingly, appellant's request

Before: SCHROEDER, TROTT, and FERNANDEZ, Circuit Judges.

Marjorie Sturgis appeals pro se the district court's dismissal of her complaint, the denial of her motion for entry of a default judgment, and the entry of a pre-filing order restricting her ability to file related actions in the future. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

This court reviews de novo a dismissal for failure to state a claim under Fed. R. Civ. P. 12 (b) (6). See Pack v. United States, 992 F.2d 955, 957 (9th Cir. 1993). The court reviews for abuse of discretion the denial of a motion for entry of default judgment. See Pau v. Yosemite Park and Curry Co., 928 F.2d 880, 885 (9th Cir. 1991). The court also reviews for abuse of discretion the entry of a restrictive, pre-filing order. See Moy v. United States, 906 F.2d 467, 469 (9th Cir. 1990).

The district court properly dismissed appellant's complaint. The first cause of action against appellees Employers Insurance of Wausau, University of Southern California, Jeffrey Grube, Jefferson Logan, Robert Moulton, Mark Solomon, and John G. Davies is time barred. See Matthews v. Macanas, 990 F.2d 467, 468-69 (9th Cir. 1993) (per curiam). The second cause of action against appellees Employers Insurance of Wausau, University of Southern California, Jeffrey Grube, Jefferson Logan, Robert Moulton, and Mark Solomon contains only conclusory allegations that fail to recite any specific facts showing the deprivation of a constitutional or any other legal right. See Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir. 1980) (per curiam).

Appellant's official capacity claims for compensatory relief

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for oral argument is denied. See Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

against appellees John G. Davies, Cecil Poole, Joseph Sneed, and Melvin Brunetti are barred by the doctrine of sovereign immunity. See Gilbert v. DaGrossa, 756 F. 2d 1455, 1458-59 (9th Cir. 1985). Appellant lacks standing to seek injunctive relief against these individuals in their official capacities because she cannot show a significant possibility of future harm. See Imagineering, Inc. v. Kiewit Pacific Co., 976 F. 2d 1303, 1308-09 (9th Cir. 1992). These appellees also enjoy absolute judicial immunity from the individual capacity claims brought against them. See Moore v. Brewster, 96 F. 3d 1240, 1243-44 (9th Cir. 1996).

Appellant's claims for compensatory relief against appellees Administrative Offices of the United States Courts and Judicial Conference of the United States are also barred by the doctrine of sovereign immunity. See Bruns v. National Credit Union Admin., 122 F. 3d 1251, 1255 (9th Cir. 1997). Appellant's complaint does not state a claim for injunctive relief against these entities; the injunctive relief Appellant seeks is completely unrelated to the acts or omissions with which these entities are charged in the complaint.

The district court did not abuse its discretion in denying appellant's motion for entry of a default judgment because dismissal of the complaint was proper. See Aldabe, 616 F. 2d at 1092.

Finally, the district court did not abuse its discretion in entering an order restricting appellant's ability to file related actions because the district court's restrictive, pre-filing order complies with the guidelines set forth in De Long v. Hennessey, 912 F. 2d 1144, 1146-49 (9th Cir. 1990).

AFFIRMED.